

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MOZAMIL MOHAMMED DAUD,

Defendant.

8:18-CR-72

MEMORANDUM AND ORDER

As set forth on the record in open court, the Court, finding no factual basis for the defendant's plea of guilty, has rejected the plea and returned this matter to its trial calendar. The Speedy Trial Act, [18 U.S.C. § 3161](#), does not specifically provide for the speedy trial consequences of the Court's rejection of a guilty plea. But under analogous circumstances, such as the reinstatement of a dismissed indictment following an appeal and (particularly) trial following the defendant's withdrawal of a guilty plea, the remedy is essentially the same: the seventy-day speedy trial clock restarts from the date the relevant order becomes final. *See* [§ 3161\(d\)\(2\) & \(i\)](#).

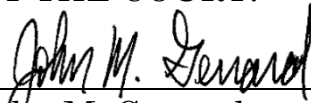
The principle here is the same: because the parties are essentially unprepared to try the case, the full speedy trial clock is required to progress the case to trial. The Court recognizes that in this instance, the defendant did not withdraw his plea of his own accord—instead, the Court rejected it. But when doing so is required to vindicate the rights assured by [Fed. R. Crim. P. 11](#), the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial, and the failure to reasonably continue the proceedings would result in a miscarriage of justice. *See* [§ 3161\(h\)\(7\)\(A\) & \(B\)\(i\)](#). Accordingly, the Court concludes that the ends of justice require a full continuance of the speedy trial clock.

IT IS ORDERED:

1. The seventy-day speedy trial clock shall run from the date of the Court's rejection of the defendant's plea: July 11, 2019.
2. Any time elapsed before July 11, 2019, is deemed excludable under the Speedy Trial Act.
3. Failing to object to this order shall be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

Dated this 25th day of July, 2019.

BY THE COURT:



John M. Gerrard
Chief United States District Judge